

NOTES

**Development Guidance System Project
Camp Verde Marshal's Office
Public Meeting
Tuesday, May 4, 2010
6:00 p.m.**

- 1. Meeting time: 6:00 p.m. – Camp Verde Marshal's Office, 646 S. 1st Street, Camp Verde, AZ**
- 2. Attendance: Consultants Dava Hoffman and Rick Counts, Special Projects Administrator Matt Morris, Interim Community Development Director Mike Jenkins, Special Projects Coordinator Valerie House, Planner Assistant Jenna Owens, Permit Technician Becky Oium, Code Enforcement Official/Building Inspector Robert Foreman and Mayor Bob Burnside. ZORC members Greg Blue, Dave Freeman, Alan Buchanan, Vincent Polo, Shirley Brinkman and Al Roddan.**

Members of the Public: Former Mayor Tony Gioia, Ann Schmidt, Reed McManus and John McClatcher.

3. Introduction:

Dava Hoffman began discussion by explaining that the meeting was just a continuation of previous neighborhood meetings in order to continue addressing issues with the current codes. She added that their intent was to show how codes and ordinances can coordinate with the General Plan goals plus, collect community input on problems with the codes. In addition, they were beginning to draft the new ordinance rewrite and there were some major points that needed to be addressed.

ENFORCEMENT:

Rick began with the first topic, which was "Enforcement procedures", and explained that there have been some questions as to whether the penalties for code violations should be treated as civil or criminal actions. Rick posed the question "What kind of enforcement is best for the community?" It was noted that the Town currently uses a 3 step approach that includes: 1) verbal notification, 2) written notification, and 3) civil charges. However, there was conflicting language between the penalties prescribed in the Town Code versus the Zoning Codes. Town Code Enforcement Official Robert Foreman clarified the process that has been used by the Town.

Mr. Foreman explained that it has been the Town's position to be customer friendly and that he was opposed to pursuing violations as criminal charges. He stated that upon investigation of a violation, he contacts the owner of the property and gives a verbal courtesy 30 day notice, encouraging the owner to work on the issue and provide him with a schedule or time period showing when they would have the violation corrected. If no action is rendered after the 30 days, he then issues an official letter of violation which allows another 30 days to correct the problem. Then, if no action is rendered, he pursues a civil violation where the owner must meet with a Hearing Officer who may impose fines for non-compliance. There was some follow up discussions regarding abatement procedures; i.e., the Town would correct the violation and then subsequently place a lien on the property to recuperate the costs. It was noted that the Town did not pursue this option due to lack of funds plus the fact that the lien could not be recovered unless the property was sold, which may never happen.

In summary, it was agreed that the codes should be revised to correct conflicting language and the Town should proceed with the current process of applying civil charges in lieu of criminal.

Comments:

Al Roddan (ZORC): Felt that if the fines were not paid, the Town should lien the property.

Dave Freeman (ZORC): As president of HOA, their fee structure for violations is liberal and punitive and their attorney is on a contract basis where the fees are standard and amoratized. Their process works.

Reed McManus (public): At least a person knows when they buy a home with a HOA.

AGRICULTURAL ZONING DISTRICT:

Dava explained that all the issues before the group tonight were interrelated. She stated that she had been contacted by Linda Buchanan from the Chamber about an issue occurring in Chino Valley regarding commercial agribusiness such as commercial greenhouses. This brought up the issue of Agricultural Zoning Districts; which the Town currently has only in the Zoning Ordinance and does not have on any property. The General Plan says that 5% of the Town's land shall be dedicated to agricultural uses, but agricultural zoning does not exist on any of the land in Camp Verde; however, there is language in the codes that discuss agricultural uses.

Dava pointed out that there were two points to be considered for discussion: 1) Do you want to emphasize the need for Agricultural zoning for economical purposes and revise the code to include verbiage? and, 2) If you do want to offer incentives for certain commercial uses as an economic development tool, how and where would you want to try to apply that zone (i.e., criteria, where, and parcel size)? Rick asked if we were being flexible enough since agriculture is mentioned in the General Plan, but not on the books, is it worth including in the update?

There was a question regarding Prop 207; Dava replied that agricultural zoning will allow more value than a person would get with residential zoning and there were no issues because it allows for more not less.

Matt Morris stated that currently, depending on the use, a citizen would have to go through the Use Permit process, a rezoning process and possibly a general plan amendment to allow some of the issues they were discussing.

There was a comment that there was a desire for economic incentives but questioned whether or not people would want to apply AG zoning considering the processes involved, such as Prop 207, Growing Smarter regulations, General Plan amendments etc.; a large number of details that would have to be ironed out. Dava commented that some of the incentives for people to want to be included in an agricultural zoning include 1) expanding permitted uses and, 2) expediting the process to re-zone as agricultural.

Dava also clarified that allowances for small scale farming and produce stands that are used as an accessory use on properties in the Town, not as primary use, already exist in the code.

There was also some discussion as to the number of livestock and horses that would be allowed in agricultural zoning.

Comments:

Dave Freeman (ZORC): Since there is no Agricultural Zoning and now with Prop 207, no one wants to go from Residential zoning to Agricultural as it is down zoning; there are more benefits to being residentially zoned, plus it would have to be voluntary for people to go to Agricultural Zoning. We would have to offer good incentives to get people to go for it. We should establish Ag Zoning that is straightforward and simple. Town does not want to let go of rural feel, there is a balance right now, and we should expand the little stands in residential zoning as they are very important.

Greg Blue (ZORC): There is a lot of farming already on residential properties. We should give latitude and keep it general.

Al Roddan (ZORC): We should have Agricultural Zoning; however, it should be limited to larger parcels and isolated from higher densities; 10 acres or more. *(Dava commented that a 10 acre minimum already exists in the codes)*. We want to have a rural-suburban environment but we should be able to grow and sell some crops without a full size agricultural business.

Bob Burnside (Mayor): We should entertain issues such as setbacks, the number of barns, buildings etc., when considering commercial agricultural uses.

Tony Gioia (Former Mayor): We should have agricultural zones and incentivize it because it has been in the codes through the years but not applied as zoning because people were fearful. There are a large number of details that need to be ironed out to establish agricultural, if it is used on people's land, whether up zoning or down zoning. How do we incentivize it to the people? How can we expedite it with Prop 207 stipulations, Growing Smarter regulations and General Plan amendments?

KEEPING OF NON-HOUSEHOLD/FARM ANIMALS:

Dava began discussion by touching on the Town's current animal point chart system included in the Zoning Codes. She said the way current codes are written is cumbersome and explained how the point system worked; including the section regarding swine. There were some questions asked as to the abuse of use of the allowed number of animals on certain properties, the nuisance issues and the amount of work staff has put into creating the verbiage pertaining to animals in the codes.

It was agreed to keep the 1 pig per acre and animal point chart with the minimum of 1/2 acre for livestock with 1 additional animal per 1/4 acre.

Comments:

Al Roddan (ZORC): Having 2 livestock animals on 1/2 acre is not palatable.

Reed McManus (public): The core issue is whether you can keep horses etc. We are not suburban and we would like to see the feel of the town remain the way it currently is with the ability to keep a couple of cows and horses. Keep it as it is.

Bob Burnside (Mayor): There is the emotional portion and rational portion of views on this subject. The rational side is the abuse of the use. We have gone over this subject many times and the mathematics of the point chart was put in place for a reason, it works.

Ann Schmidt (public): If a person has 2 horses on an acre but they keep them confined to a small area or pen and the property owner does not maintain them, what enforcement measures are there? *(Code Enforcement Official Robert Foreman commented that there is a section of the code regarding nuisances but it is subjective; Dava added that the County Health Department had requirements that could help.)*

NON-CONFORMING USES/STRUCTURES:

Rick began discussion by explaining non-conforming uses; a structure or use that was established before an ordinance became applicable and is now considered non-conforming. He stated that recently, courts are being liberal when deciding on non-conforming cases, within reason. He asked "Do you think we should consider being more literal in terms of re-construction or replacement of non-conforming uses?" In addition, he added that while we need to maintain the standards set by legislature, we might want to allow some flexibility. There were some examples given which led to discussion regarding setbacks and liberal applications.

Interim Community Development Director Mike Jenkins commented on the lack of record keeping in prior years that could have been used as evidence. He also added that Town staff had always used the date of incorporation, December 1986, as a mark for determining non-conforming uses; however, as of recent, the Town attorney has advised staff to use September of 1970. This has made it more difficult for staff.

Comments:

Dave Freeman (ZORC): Cited an example of an issue with an old block wall repair that was non-conforming at his home in Sedona. He said Sedona had a lot of flexibility and helped him come up with a solution that allowed for the repairs. He felt the Town should allow some flexibility.

Al Roddan (ZORC): Should be some benefit if some latitude were given to the code. He cited an example of replacing a mobile home that was non-conforming. The mobile was not allowed to be replaced with a larger footprint mobile home because that would be expanding the use.

Alan Buchanan (ZORC): The Town should allow some liberal flexibility. He cited an example of a neighbor that could not add an addition onto the rear of his house because the front of his house did not meet the front setback; even though there was plenty of room in the rear for the addition and still meet the rear setback.

Bob Burnside (Mayor): Never agreed to "non-conforming" uses. He felt if it was there then it was legal, but along the way someone came along and made changes and then later said it's now non-conforming. He would also hate to buy his grandfather's house and try to add on and have to bring the rest of the home up to code in order to add on.